

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE**

**BOBBY DUNCAN and MELISSA  
DUNCAN, husband and wife,**

**Plaintiffs,**

**MEDICAL EDUCATION ASSISTANCE  
CORPORATION, et al.,**

**Defendants.**

**Case No. 2:12-cv-182**

**Judge J. Ronnie Greer  
Magistrate Judge Dennis Inman**

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**ORDER OF DISMISSAL AS TO  
DR. PETER BOCKHORST, DR. MARK BRUMMEL, DR. DOUGLAS ROSE,  
AND MEDICAL EDUCATION ASSISTANCE CORPORATION**

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As evidenced by the signature of counsel below, Plaintiffs request that the following Defendants be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(2): Dr. Peter Bockhorst, Dr. Mark Brummel, Dr. Douglas Rose<sup>1</sup>, and Medical Education Assistance Corporation (MEAC). Dr. Bockhorst and Dr. Brummel shall be dismissed based on their absolute immunity as state employees under Tenn. Code Ann. § 9-8-307(h). The dismissal of MEAC is based on the absence of an agency relationship between MEAC and Dr. Bockhorst, Dr. Brummel, Dr. Erin Harris, Dr. Beth Anne Fox, and Dr. Joann D'Aprile-Lubrano. The underlying allegations of negligence against Dr. Bockhorst, Dr. Brummel, Dr. Rose and others, will be used as a basis of liability for Defendant Wellmont Health System d/b/a Holston Valley Medical Center. It is understood that the testimony of Dr. Bockhorst, Dr. Brummel and others

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<sup>1</sup> Although Dr. Douglas Rose was named as a Defendant in the Complaint (Doc. 1), he was not named in the Amended Complaint (Doc. 11).

will be necessary and that they will make themselves available. IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that Defendants Dr. Peter Bockhorst, Dr. Mark Brummel, Dr. Douglas Jeffrey Rose, and MEAC are individually dismissed with prejudice from this action.

ENTERED this the 26th day of August, 2013.

  
J. RONNIE GREER  
United States District Judge

**APPROVED FOR ENTRY:**

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